

## RULEMAKING NOTICE FORM

Notice Number <b>2015-78</b>	Rule Number <b>He-W 672.02(a)</b>
1. Agency Name & Address:  <b>Department of Health and Human Services          Division of Family Assistance          129 Pleasant St., Brown Bldg.          Concord, NH 03301</b>	2. RSA Authority: <u><b>RSA 167:3-c,I &amp; RSA 167:83,II(f)</b></u> 3. Federal Authority: _____ 4. Type of Action: Adoption                    _____ Amendment <u>  <b>X</b>  </u> Repeal                        _____ Readoption                  _____ Readoption w/amendment _____

5. Short Title: **Issuance of Financial Assistance in the Adult Categories of Financial Assistance Programs**

**6. (a) Summary of what the rule says and of any proposed amendments:**

**He-W 672.02 describes when the cash payment will begin for the adult categories of financial assistance. The Department of Health and Human Services (Department) is amending He-W 672.02(a) to better reflect actual practices implemented in 2011 as a result of the requirements imposed by HB1, Chapter Law 223 (2011 session).**

**A recent review of the rule by the Department revealed that when readopted and amended in January 2014, the rule did not adequately align with the requirements of HB1, Chapter Law 223 (2011), and therefore requires further revisions.**

**During the 2014 rule readoption process, the following italicized text was added to the rule to align with the changes that had been imposed by HB1, Chapter Law 223 (2011): ...[cash benefits are issued either] the first day of the month following the month of application or effective with the payment period in which eligibility is determined, whichever occurs first...**

**Implementation of the requirements imposed by HB1, Chapter Law 223 (2011 session), did not provide an option to issue benefits on the earlier of 2 independent dates. The Department issues benefits effective with the payment period in which eligibility is determined, provided that the case is eligible on the date payment is issued. This date could align with the first day of the month following the month of application, but may not align with that date.**

**The Department proposes to amend the rule and remove the following stricken text: ...[cash benefits are issued] the first day of the month following the month of application or effective with the payment period in which eligibility is determined, whichever occurs first.**

**Although the Department is proposing changes to the content of the rule, the proposed revisions will now reflect Department policy since 2011, and therefore current Department policy remains unchanged.**

**6. (b) Brief description of the groups affected:**

**Applicants and recipients of the adult categories of cash assistance are affected by these rules.**

**6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:**

<b>Rule</b>	<b>RSA/Federal Citation</b>
He-W 672.02(a)	RSA 167:3-c,I; RSA 167:10

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard** Title: **Rules Coordinator**  
Address: **Dept. of Health & Human Services** Phone #: **271-9374**  
**Administrative Rules Unit** Fax#: **271-5590**  
**129 Pleasant Street** E-mail: **catherine.bernhard@dhhs.state.nh.us**  
**Concord, NH 03301**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

**<http://www.dhhs.nh.gov/oos/aru/comment.htm>**

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, June 11, 2015**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, June 4, 2015 at 9:30 am**

Place: **DHHS, Brown Bldg., Room 232, 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **15:045** , dated **03/20/15**

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

**2. Cite the Federal mandate. Identify the impact of state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To Independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

**Amend He-W 672.02(a), effective 1-24-14 (Document #10511), so that He-W 672.02(a) is cited and reads as follows:**

He-W 672.02 Initiation of Adult Category Financial Assistance.

(a) Adult category financial assistance shall begin effective with the ~~first day of the month following the month of application, or effective with the~~ payment period in which eligibility is determined, ~~whichever occurs first,~~ provided that the case is eligible on the date payment is issued.

**APPENDIX**

Rule	State Statute and Federal Regulation
He-W 672.02(a)	RSA 167:3-c,I; RSA 167:10